

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, ex rel.)	
JANE DOE)	
)	
)	
Plaintiffs,)	Civil Action No. 07-2705 (J. Rosenthal)
)	
v.)	FILED IN CAMERA AND
)	UNDER SEAL PURSUANT TO
ENDOSCOPIC TECHNOLOGIES, INC.,)	31 U.S.C. § 3730
)	
Defendant.)	<u>UNDER SEAL</u>
)	

STIPULATION OF DISMISSAL

The present action was filed under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, by Relator JANE DOE (“Relator”) against Endoscopic Technologies, Inc. (“Estech”). Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the June 15, 2009, Settlement Agreement between the United States, Estech, and Relator (collectively, the “Parties”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order dismissing with prejudice all civil monetary claims asserted on behalf of the United States against Estech in this action; provided, however, that the Court shall retain jurisdiction to enforce the terms of the Agreement by and between the parties.

Relator, on behalf of herself, her heirs, successors, attorneys, agents, and assigns, stipulate that the settlement amount set forth in the June 15, 2009, Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that she will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that she expressly waives the opportunity for a hearing on any objection to the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B).

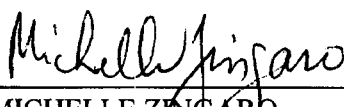
The parties respectfully request that the Court enter an order in the form of the attached,
proposed order.

Respectfully submitted,

**COUNSEL FOR THE
UNITED STATES OF AMERICA:**

TONY WEST
Assistant Attorney General

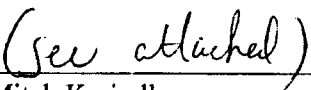
TIM JOHNSON
Acting United States Attorney



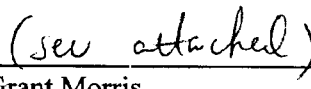
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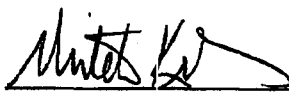
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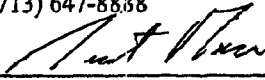
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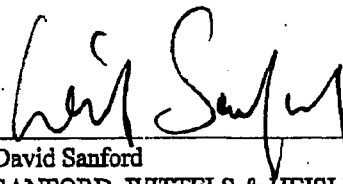
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